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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,911	09/26/2005	Holger Janssen	10191/3960	2983
26646 7590 05/16/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER NGUYEN, CHUONG P	
			ART UNIT 3663	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,911	<b>Applicant(s)</b> JANSSEN, HOLGER	
	<b>Examiner</b> Chuong Nguyen	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) 20,26 and 28-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18,19,21-25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/17/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of invention I, species A4, C2, D2, and image sensor only in the reply filed on 04/10/2007 is acknowledged.
2. Claims 28-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 04/10/2007.

In addition, claims 20 and 26 are readable upon nonelected species A1, A2, A3, and C1; therefore, claims 20 and 26 are also withdrawn from further consideration.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 18, 19, 23, 25 rejected under 35 U.S.C. 102(b) as being anticipated by Janssen (WO01/25054; US Patent Equivalent – 6,919,917).

Regarding claim 18, Janssen discloses in Fig 3 a device for controlling at least one system component of an information system located in a motor vehicle, comprising: at least one first system component (i.e. video camera 1, object-detection sensors 9) which collects information about the environment of the system; at least one second system component (i.e.

Art Unit: 3663

image processing unit 2, object-detection unit 30) which processes at least part of the information collected by the at least one first system component; and at least one control unit (i.e. control unit 90) which controls configuration of at least one system component while the system is operating, the least one control unit using information from at least one information-providing system component (i.e. control unit 20) (col 3, line 4 – col 5, line 29).

Regarding claim 19, Janssen discloses in Fig 3 the at least one information-providing system component (i.e. control unit 20) includes at least one of the at least one first system component (i.e. object-detection sensors 9), the at least one second system component (i.e. object-detection unit 30), and at least one further system component (i.e. externally supplied parameters 4); and the at least one controlled system component (i.e. control unit 20) includes at least one of the at least one first system component (i.e. object-detection sensors 9) and the at least one second system component (i.e. object-detection unit 30) (col 3, line 4 – col 5, line 29).

Regarding claim 23, Janssen discloses in Fig 3 the at least one control unit (i.e. video display unit 55 or 55') monitors an environment of the information system, the environment including a state of the information system (Abstract; Fig 5; at least col 3, line 33; at least col 5, line 51).

Regarding claim 25, Janssen discloses in Fig 3 the at least one first system component is an image sensor system (i.e. video camera 1).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3663

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janssen as applied to claim 19 above, and further in view of Hyatt (5,487,172).

Regarding claim 21, Janssen discloses in Fig 3 at least one control unit (i.e. control unit 20, 90) controls at least one system component (i.e. video camera 1, object-detection sensors 9). However, Janssen does not explicitly disclose the at least one control unit controls information processing speed of at least one system component. Hyatt teaches in the same field of endeavor a control unit (i.e. image processing unit) that can control information processing speed of a system component (i.e. image sensors such as radar, camera) (col 7, line 36+; col 16, line 47+; col 19, line 66+; col 65, line 25+; col 69, line 1+). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the control unit that can control information processing speed of a system component as taught by Hyatt in the system of Janssen for providing better information of the surrounding environment of the vehicle; thus improving the safety of the driver and vehicle.

Regarding claim 22, Janssen discloses in Fig 3 at least one control unit (i.e. control unit 20, 90) controls at least one system component (i.e. video camera 1, object-detection sensors 9). However, Janssen does not explicitly disclose the at least one control unit controls clock frequency of at least one system component. Hyatt teaches in the same field of endeavor a control unit (i.e. image processing unit) that can control clock frequency of a system component (i.e. image sensors such as radar, camera) (col 83, line 45+; col 84, line 40+; col 271, line 1+; col 319, line 17+). It would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 3663

invention was made to include the control unit that can control clock frequency of a system component as taught by Hyatt in the system of Janssen for providing better information of the surrounding environment of the vehicle; thus improving the safety of the driver and vehicle.

Regarding claim 24, Janssen discloses in Fig 3 at least one control unit (i.e. control unit 20, 90) controls at least one system component (i.e. video camera 1, object-detection sensors 9). However, Janssen lacks at least one control unit (i.e. control unit 20, 90) controls at least one system component (i.e. video camera 1, object-detection unit 9) at least temporarily such that the at least one system component operates in an overload condition. Hyatt teaches in the same field of endeavor a control unit (i.e. visual processor) that controls a system component (i.e. image sensors such as radar, camera) at least temporarily such that a system component operates in an overload condition (i.e. overload tolerance) (Fig 1A, 1C; col 25, line 35+). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a control unit that controls a system component at least temporarily such that a system component operates in an overload condition as taught by Hyatt in the system of Janssen in order to allow a system component to operate longer under overload condition without damaging the component.

Regarding claim 27, Janssen discloses the at least one second system component (i.e. object-detection sensors 9). However, Janssen does not explicitly disclose the at least one second system component has at least one hardware component that is adapted to be parameterized. Hyatt teaches in the same field of endeavor a second system component (i.e. visual devices) has at least one hardware component (i.e. hardware elements) that is adapted to be parameterized (col 65, line 25 – col 66, line 45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second system

Art Unit: 3663

component has at least one hardware component that is adapted to be parameterized in order to improve the image quality by controlling the processing speed during image processing.

7. While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

### *Conclusion*

8. The cited prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong Nguyen whose telephone number is 571-272-3445. The examiner can normally be reached on 8:00 - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CN

  
JACK KEITH  
SUPERVISOR, PATENT EXAMINER